

**DURHAM CITY COUNCIL WORK SESSION**  
**THURSDAY, JANUARY 24, 2008 – 1 pm**  
**Committee Room, Second Floor – City Hall**

Present: Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Excused Absence: Mayor Bell.

**SUBJECT: DURHAM PERFORMING ARTS CENTER OVERSIGHT  
COMMITTEE APPOINTMENTS**

To appoint citizens to fill five (5) vacancies on the Durham Performing Arts Center Oversight Committee.

Note: This is a newly established board.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:07 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to direct the City Clerk to re-advertise this item was approved at 1:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

**SUBJECT: PROPOSED SALE OF PROPERTY AT 520-A EASTWAY AVENUE  
PIN# 831-10-45-6575**

**MOTION** by Council Member Catotti seconded by Council Member Woodard to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:08 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

**MOTION** by Council Member Catotti seconded by Council Member Woodard to determine the property at 520-A Eastway Avenue as surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

To accept the offer to purchase for the property located at 520-A Eastway Avenue; and

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To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed and authorize the City Manager to terminate these contracts for sale if the contract terms are not fulfilled was approved at 1:09 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

**SUBJECT: CITY HALL ROOF REHABILITATION CONSTRUCTION  
CHANGE ORDER AND DESIGN CONTRACT AMENDMENT -  
HEERY INTERNATIONAL, P.C. - SKANSKA USA BUILDING,  
INC.**

**MOTION** by Council Member Catotti seconded by Council Member Clement to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:13 p.m. by the following vote: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

**MOTION** by Council Member Woodard seconded by Council Member Brown to authorize the City Manager to negotiate and execute an amendment to the City of Durham Downtown Buildings Renovation Project Agreement with Heery International, P.C. in the amount of \$20,603.00 so that the total contract amount will not exceed \$1,264,576.00 for additional design related services;

To authorize the City Manager to negotiate and execute a change order to the Amendment 2B to the CM at Risk Contract for City Hall Roof with Skanska USA Building, Inc. in an amount not to exceed \$664,763.00 for the purposes of completing roof renovations;

To authorize the City Manager to negotiate and execute a change order to the Amendment 2B to the CM at Risk Contract for City Hall Roof with Skanska USA Building, Inc. in an amount not to exceed \$585,000.00 for the purposes of incorporating fall protection safety equipment; and

To increase the project contingency to \$113,061.00; and

To authorize the City Manager to negotiate and execute change orders on the City Hall Roof Renovation Project, provided the total project cost does not exceed \$1,937,663.00 which is the full amount budgeted for construction phase services plus the project contingency was approved at 1:14 p.m. by the following vote: Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Absent at time of vote: Council Member Ali. Excused Absence: Mayor Bell.

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**SUBJECT: CIVIC CENTER RENOVATION PROJECT CONTINGENCY  
INCREASE – SKANSKA USA BUILDING – AMENDMENT NO. 2**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 3:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Excused Absence: Mayor Bell.

**MOTION** by Council Member Woodard seconded by Council Member Woodard to authorize the City Manager to negotiate and execute change orders on Amendment No. 2 provided the total cost does not exceed \$3,057,825.00 which is the full amount budgeted for construction phase services plus the project contingency; and

To authorize the City Manager to increase the project contingency by \$90,000.00 so that the total project contingency is \$450,027.00 was approved at 3:35 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Excused Absence: Mayor Bell.

**SUBJECT: PROPOSED SALE OF PROPERTY IN NORTH EAST CENTRAL  
DURHAM TO THE DURHAM HOUSING AUTHORITY FOR THE  
HOUSING 400 INITIATIVE – EXETER APARTMENTS**

Mayor Pro Tempore Cole-McFadden expressed concern with this item coming before Council at the last moment.

City Manager Baker reported Durham Housing Authority requested that this item be added to the agenda because of the time constraint associated with the need for property by the end of the month.

Harrison Shannon, of Durham Housing Authority, thanked Council for honoring their request and explained why this item was placed on the agenda highlighting the time constraint associated with this matter. He stated the Authority's affiliate, DVI—Development Ventures, Inc., is pursuing a 400 Initiative grant to develop 20-studio apartments to house homeless persons with disabilities. He urged Council to allow DVI to use several parcels of land previously designated for another use by the Hope VI program. Given the state of the single-family housing market and the economy, the Hope VI budget is not feasible for DHA at this time to construct single-family homes and the state's 400 Initiative will present an opportunity for DVI to submit an application to receive funding assistance from the state to develop multi-family housing for a needed population with emotional and physical problems.

Terrance Jerald, of Durham Housing Authority, stated the major funding source for this 400 initiative is through the North Carolina Housing Finance Agency and the application for that organization is scheduled to be submitted by January 31. He explained as part of

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the requirement for the application, Durham Housing Authority/DVI must have site control as well as be able to move forward with this initiative.

Council held discussion on whether the following agencies have taken a position on this issue: Campaign for Decent Housing, Housing Department, Housing for New Hope and 10-year plan to end homelessness. Other discussion was held on the status of 1502 Morning Glory, site, demolition, 2005 City Council agenda item and lots that have not been transferred in connection with the Hope VI project.

Several members of Council expressed concern with the timing issue of this item and neighborhood concerns that have been expressed with the placement of this initiative.

Council held discussion on the developer of the project—DVI, rezoning for multi-family, option to purchase with no conditions, lack of awareness regarding this item by the following: Implementation Team of the 10-year plan to End Homelessness and the Council's liaison to DHA.

Jack Preiss discussed his role as an advisor/consultant on this project to get site control. He stated if site control is not received--the application will not be submitted.

Assistant City Attorney Karen Sindelar addressed the option to purchase issue.

**MOTION** by Council Member Woodard seconded by Council Member Ali to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:26 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Excused Absence: Mayor Bell.

Council held discussion on option, rezoning of site, and lack of communication with individuals who should have been involved in this process.

**MOTION** by Council Member Ali seconded by Council Member Woodard to authorize the City Manager to sell under the authority of G.S. 160A-274 to Development Ventures Incorporated for a purchase price of \$5,000.00 the properties having the following street addresses: 1406, 1408 and 1504 Morning Glory Avenue, 118 N. Blacknall Street, and 115 N. Goley Street;

To authorize the Mayor to convey the property by non-warranty deed containing a covenant that Development Ventures Incorporated, any associated entity or agent for the Housing Authority, or any successor in interest to Development Ventures Incorporated will convey the properties or any portion of the property back to the City of Durham without charge if by three (3) years from the date of conveyance low- to moderate-income persons are not living on the property in a facility developed as part of the Housing 400 Initiative meant to benefit the homeless, and that the deed also provide the City of Durham with a right of re-entry should the property not be utilized in accordance with the covenant;

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To authorize the City Manager to execute a Right of Entry Agreement with Development Ventures Incorporated for the purpose of obtaining appraisals and Phase I Site Assessments and other environmental testing which may be required on the properties Development Ventures Incorporated intends to purchase from the City;

To authorize the City Manager to execute associated legal documents required for this transaction; and

To authorize the City Manager to make changes to all documents associated with this transaction provided such changes are consistent with the intent of the agenda memo and this motion was approved at 5:06 p.m. by the following vote: Ayes: Council Members Ali, Catotti, Clement and Woodard. Noes: Mayor Pro Tempore Cole-McFadden and Council Member Brown. Excused Absence: Mayor Bell.

Linda E. Bratcher  
Deputy City Clerk